

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, OCTOBER 26, 2005**

UNAPPROVED  
NOVEMBER 9, 2005

PRESENT: John R. Byers, Mount Vernon District  
Frank A. de la Fe, Hunter Mill District  
Janet R. Hall, Mason District  
James R. Hart, Commissioner At-Large  
Ronald W. Koch, Sully District  
Kenneth A. Lawrence, Providence District  
Rodney L. Lusk, Lee District  
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Walter L. Alcorn, Commissioner At-Large  
Suzanne F. Harsel, Braddock District  
Nancy Hopkins, Dranesville District  
Peter F. Murphy, Jr., Springfield District

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The meeting was called to order at 8:19 p.m. by Vice Chairman John R. Byers, in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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**COMMISSION MATTERS**

On behalf of Commissioner Harsel, Vice Chairman Byers announced that the joint Planning Commission/School Facilities Committee would meet at 7:30 p.m. on Wednesday, November 9, 2005, in the Board Conference Room to receive a briefing on the Fairlee/Metro West development. He said the public was invited to attend the meeting.

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Commissioner de la Fe noted that the Planning Commission's Transportation Committee had met earlier this evening to receive a briefing on the Transportation Element of the Policy Plan update. He said the Committee would continue its discussions in January. He indicated that a list of public meetings about the Transportation Plan Update to be held in November was posted on the Fairfax County Department of Transportation website.

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RZ 2005-SU-007 - CARL BERNSTEIN, TRUSTEE AND HORACIO MAGALHAES, TRUSTEES (Decision Only)

(The public hearing on this application was held on October 19, 2005. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2005-SU-007, SUBJECT TO THE PROFFERS DATED OCTOBER 24, 2005.

Commissioner Hart seconded the motion which carried by a vote of 7-0-1 with Commissioner Hall abstaining; Commissioners Alcorn, Harsel, Hopkins, and Murphy absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE MINIMUM DISTRICT SIZE.

Commissioner Hart seconded the motion which carried by a vote of 7-0-1 with Commissioner Hall abstaining; Commissioners Alcorn, Harsel, Hopkins, and Murphy absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG A PORTION OF THE SOUTHERN PROPERTY BOUNDARY.

Commissioner Hart seconded the motion which carried by a vote of 7-0-1 with Commissioner Hall abstaining; Commissioners Alcorn, Harsel, Hopkins, and Murphy absent from the meeting.

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FS-H05-32 - T-MOBILE, 8521 Leesburg Pike

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "CONSENT AGENDA ITEM" ON FS-H05-32, T-MOBILE.

The motion carried unanimously with Commissioner Koch not present for the vote; Commissioners Alcorn, Harsel, Hopkins, and Murphy absent from the meeting.

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FSA-H97-43-1 - NEXTEL, 2300 Dulles Corner Boulevard

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION FIND THAT FSA-H97-43-1 IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND IS CONSISTENT WITH THE PRIOR APPROVAL GRANTED BY THE PLANNING COMMISSION, AND SHOULD BE CONSIDERED A

“FEATURE SHOWN,” PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED.

Commissioner Lusk seconded the motion which carried unanimously with Commissioner Koch not present for the vote; Commissioners Alcorn, Harsel, Hopkins, and Murphy absent from the meeting.

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FS-L05-34 - FAIRFAX COUNTY DEPARTMENT OF COMMUNITY AND RECREATION SERVICES, 6300 Beulah Street

Commissioner Lusk MOVED THE PLANNING COMMISSION FIND THAT FS-L05-34 IS IN CONFORMANCE WITH RECOMMENDATIONS OF THE COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A “FEATURE SHOWN,” PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Alcorn, Harsel, Hopkins, and Murphy absent from the meeting.

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ORDER OF THE AGENDA

In the absence of Secretary Harsel, Vice Chairman Byers established the following order of the agenda:

1. AR 91-D-006 - THE EAGLE FAMILY LIMITED PARTNERSHIP
2. AR 96-S-002 - NILA M. CASTRO
3. AR 88-S-001-2 - JOHN T. KINCHELOE
4. SE 2005-HM-004 - GREAT FALLS HERITAGE PARTNERS, LLC
5. SE 2005-PR-006 - ROBERT C. COLE AND MARY ALICE COLE

This order was accepted without objection.

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AR 91-D-006 - THE EAGLE FAMILY LIMITED PARTNERSHIP -  
Appl. authorized by Chapter 115 (County Code), effective June 30, 1983. Located at 8008 Georgetown Pi. on approx. 50.86 ac. of land zoned R-E. A&F District Advisory Committee Rec.: Not Available. Please call the Zoning Evaluation Division at 703-324-1290 to obtain the recommendation. Tax Map 20-2 ((1)) 13Z and 48Z; 20-2 ((13)) 4Z and 5Z. DRANESVILLE DISTRICT. PUBLIC HEARING.

Thomas Sawyer, Esquire, with Womble Carlyle Sandridge & Rice, PLLC, reaffirmed the affidavit dated May 23, 2005. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had a pending case with Mr. Sawyer's law firm but there was no financial relationship and it would not affect his ability to participate in this case.

On behalf of Commissioner Hopkins, Commissioner Hart asked that Vice Chairman Byers ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Hart for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE AR 91-D-006 AND AMEND APPENDIX F OF THE FAIRFAX COUNTY CODE TO RENEW THE EAGLE II LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO THE ORDINANCE PROVISIONS DATED OCTOBER 12, 2005.

Commissioners Hall and Koch seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioners Alcorn, Harsel, Hopkins, and Murphy absent from the meeting.

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AR 96-S-002 - NILA M. CASTRO - Appl. authorized by Chapter 115 (County Code), effective June 30, 1983. Located at 11720 Chapel Rd. on approx. 118.26 ac. of land zoned R-C and WS. A&F District Advisory Committee Rec.: Not Available. Please call the Zoning Evaluation Division at 703-324-1290 to obtain the recommendation. Tax Map 76-3 ((1)) 13Z. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Nila Castro, applicant, reaffirmed the affidavit dated April 21, 2005. There were no disclosures by Commission members.

On behalf of Commissioner Murphy, Commissioner Hart asked that Vice Chairman Byers ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Hart for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE AR 96-S-002 AND AMEND APPENDIX F OF THE FAIRFAX COUNTY CODE TO RENEW THE CASTRO LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO THE ORDINANCE PROVISIONS DATED OCTOBER 12, 2005.

Commissioners Hall and de la Fe seconded the motion which carried unanimously with Commissioners Alcorn, Harsel, Hopkins, and Murphy absent from the meeting.

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AR 88-S-001-2 - JOHN T. KINCHELOE - Appl. authorized by Chapter 115 (County Code), effective June 30, 1983. Located in the S.W. corner of junction of Yates Ford Rd. and Evans Ford Rd. on approx. 107.30 ac. of land zoned R-C and WS. A&F District Advisory Committee Rec.: Not Available. Please call the Zoning Evaluation Division at 703-324-1290 to obtain the recommendation. Tax Map 85-1 ((1)) 10Z and 85-3 ((1)) 2Z. SPRINGFIELD DISTRICT. PUBLIC HEARING.

John Kincheloe, applicant, reaffirmed the affidavit dated April 21, 2005. There were no disclosures by Commission members.

On behalf of Commissioner Murphy, Commissioner Hart asked that Vice Chairman Byers ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Hart for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE AR 88-S-001-02 AND AMEND APPENDIX F OF THE FAIRFAX COUNTY CODE TO RENEW THE PODOLNICK LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO THE ORDINANCE PROVISIONS DATED OCTOBER 12, 2005.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Alcorn, Harsel, Hopkins, and Murphy absent from the meeting.

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SE 2005-HM-004 - GREAT FALLS HERITAGE PARTNERS, LLC - Appl. under Sect. 3-104 of the Zoning Ordinance to permit a medical care facility. Located on the E. side of Reston Ave. and S. side of

Leesburg Pi. on approx. 5.06 ac. of land zoned R-1. Tax Map 11-2  
((1)) 34B. HUNTER MILL DISTRICT. PUBLIC HEARING.

Tara Wiedeman, Esquire, with Walsh, Colucci, Lubeley, Emrich & Terpak, PC, reaffirmed the affidavit dated August 30, 2005. There were no disclosures by Commission members.

Commissioner de la Fe asked that Vice Chairman Byers ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner de la Fe for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2005-HM-004, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED OCTOBER 26, 2005.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Alcorn, Harsel, Hopkins, and Murphy absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE SERVICE DRIVE REQUIREMENTS ALONG THE ROUTE 7 FRONTAGE OF THE SITE.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Alcorn, Harsel, Hopkins, and Murphy absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ON ALL PROPERTY BOUNDARIES TO THAT SHOWN ON THE SE PLAT AND AS CONDITIONED.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Alcorn, Harsel, Hopkins, and Murphy absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE BARRIER REQUIREMENTS ON ALL PROPERTY BOUNDARIES TO THAT SHOWN ON THE SE PLAT AND AS CONDITIONED.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Alcorn, Harsel, Hopkins, and Murphy absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE REQUIREMENT TO ACCOMMODATE SERVICE VEHICLES AT A SIDE OR REAR ENTRANCE, AS SET FORTH IN PARAGRAPH 3 OF SECTION 9-308.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Alcorn, Harsel, Hopkins, and Murphy absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE REQUIREMENT TO PROVIDE A MINIMUM 100 FOOT BUILDING SETBACK FROM THE NORTH AND SOUTH PROPERTY LINES, AS SET FORTH IN PARAGRAPH 5 OF SECTION 9-308.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Alcorn, Harsel, Hopkins, and Murphy absent from the meeting.

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SE 2005-PR-006 - ROBERT C. COLE AND MARY ALICE COLE -  
Appl. under Sect. 3-104 of the Zoning Ordinance to permit a plant nursery. Located at 7129 Leesburg Pi. on approx. 2.20 ac. of land zoned R-1 and HC. Tax Map 40-3 ((1)) 99. PROVIDENCE DISTRICT. PUBLIC HEARING.

David Lasso, Esquire, with Venable LLP, reaffirmed the affidavit dated September 27, 2005. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had a pending case with Mr. Lasso's law firm but there was no financial relationship and it would not affect his ability to participate in this case.

Tracy Swagler, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

In response to a question from Commissioner Wilson, Ms. Swagler explained that the applicants had to comply with restrictions on what could be sold on the residential portion but could sell anything they desired on the commercial portion. Responding to another question from Commissioner Wilson, Ms. Swagler said that she was not sure what specific modifications of the trail requirements were being requested but she would find out and report to her.

Mr. Lasso described the commercial portion of the subject property as a gravel area with sparse trees and a road-side stand and the residential portion as a heavily-wooded area. He presented and described photographs of the site. He noted that the sidewalk ran along the entire length of the Route 7 frontage and the parking lot was located on the commercial portion.

Mr. Lasso stated that the applicants had agreed to move storage of man-made items such as plant pots and lawn gnomes to the rear area behind the bungalow, but requested that a sample of available items such as statues and birdbaths remain in the front yard. He indicated that there were no physical changes planned for the site. He explained that the applicants agreed with the closing of the entrance onto Route 7 and the addition of a modified transitional screening between the house located farthest to the west along Route 7 and the subject property, but requested that no frontage improvements be required along Chestnut Street.

Responding to questions from Commissioner Lawrence, Mr. Lasso said 39 parking spaces were provided on the commercial portion. He noted that the owner of the adjacent property, James Hooper, had sent a letter dated October 17, 2005, indicating that his property would continue to accommodate overflow parking for the nursery until it was redeveloped. (A copy of the letter is in the date file.)

In response to another question from Commissioner Lawrence, Ms. Swagler said she believed there were two houses on the west side of Chestnut Street.

Commissioner Wilson mentioned that the application included a SE Plan, but said the staff report only referenced a SE Plat, which was required. She said the notes listed on the Plan did not conform to the requirements of a Plat. Mr. Lasso agreed to correct any technical errors.

Responding to a question from Commissioner Wilson, Ms. Swagler explained that garden benches had been added to the list of accessory retail items allowed in the Plant Nursery Ordinance Amendment. Commissioner Wilson replied that this item was not referenced under the "Additional Standards for Plant Nurseries" checklist in Appendix 7 of the staff report.

Commissioner Wilson recommended the following changes be made to the "List of Accessory Retail Items" in Exhibit 1 of the staff report: remove "outdoor suncatchers, outdoor thermometers, and cold frames" from the garden accents bullet; remove "automatic watering systems and devices including timers" from the hoses and hose accessories bullet; and clarify "vases and sconces" under the seasonal/holiday decorations bullet as "holiday vases and sconces." Ms. Swagler agreed to have Zoning Administration Division staff reexamine this list and her recommendations. Mr. Lasso agreed to make certain the items sold were in compliance with the Ordinance.

Vice Chairman Byers called for speakers but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, he closed the public hearing and recognized Commissioner Lawrence for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER DECISION ON SE 2005-PR-006 TO A DATE CERTAIN OF NOVEMBER 9, 2005, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Commissioner Lusk seconded the motion which carried unanimously with Commissioners Alcorn, Harsel, Hopkins, and Murphy absent from the meeting.

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The meeting was adjourned at 9:11 p.m.  
John R. Byers, Vice Chairman

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Kara A. DeArrastia

Approved on: \_\_\_\_\_

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Linda B. Rodeffer, Clerk to the  
Fairfax County Planning Commission